Print Form

PLANNING DEPARTMENT
Community Development Division

Special Permit - Frontage Exception

Procedure and Requirements for Filing an Application for a Frontage Exception Special Permit;
The following information must be submitted thirty (30) days prior to the first public hearing. Failure to submit the required information within the time periods prescribed may result in a dismissal by the Planning Board of an application as incomplete. The information herein is an abstract of more specific requirements listed in the Zoning Bylaw and is not meant to supersede them.

- **Step 1: Pick up application package:**
  The petitioner picks up complete application package.

- **Step 2: Special Permit Application Form:**
  Petitioner completes (3) copies of the application form. All information as required shall be completed.

- **Step 3: Plan Preparation:**
  Petitioner submits all of the required information as cited in Sections 7.2.2 and 10.31 in the North Andover Zoning Bylaw.

- **Step 4: Submit Application:**
  On or before noon on the application deadline date the petitioner goes to the Town Clerk to obtain a time stamp on three (3) applications. Leave one application with the Town Clerk and bring two (2) time stamped applications to the Planning Department. Petitioner submits to the Planning Department two (2) sets of full size plans 1" = 40' no larger than 23"x36" prepared by a Registered Professional Engineer or Land Surveyor. Petitioner submits an additional three (3) sets of plans no larger than 11"x17". Petitioner must submit an electronic PDF version of all submission material. Application must include submittal of outside consultant review escrow form.

- **Step 5: Submit Filing Fees:**
  The petitioner submits two separate checks for filing fees and outside consultant fee. See Fee Schedule

- **Step 6: Mail Application to Outside Consultant:**
  The petitioner mails a copy of the plan and application to the outside consultant for review. Please contact the Planning Department for more information.

- **Step 7 Notification of Parties in Interest:**
  Petitioner picks up an updated certified abutters list from the Assessor's office (located at 120 Main St.) It is to be submitted as part of the application submittal.

- **Step 8: Legal Notice:**
  The petitioner is responsible for delivering the legal notice to the newspaper to be published and is responsible for costs for same. See specific updated instructions for certified mailing of legal notices attached.

- **Step 9: Public Hearing before the Planning Board:**
  The petitioner should appear in his/her behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of the petitioner, the Planning Board shall decide on the matter by using the information it has otherwise been provided.

- **Step 10: Decision:**
  After the hearing(s), a copy of the Planning Board's decision will be sent t the petitioner, engineer and all parties in interest. (Any appeal of the Planning Board's decision may be made pursuant to Massachusetts General Laws Ch. 40A sec. 17 within twenty (20) days after the decision is filed with the Town Clerk.)

- **Step 11: Recording Certificate of Decision Plans:**
  The petitioner is responsible for recording certification of the decision and any accompanying plans to the Essex North Registry of Deeds, Lawrence Massachusetts. Petitioner should bring in one recorded copy of the decision and three paper copies of the recorded plan of land along with the proof of recording cash register slip to the Planning Department.

1600 Osgood Street, North Andover, Bldg.20, Suite 2-36 Planning Dept., Massachusetts 01845
Phone 978.688.9535 Fax 978.688.9542 Web www.townofnorthandover.com
Edited 10/1/10

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WRITTEN DOCUMENTATION

Applications for a special permit must be supported by a legibly written or typed memorandum setting forth in detail all facts relied upon. Addressing each of the below points individually is required with this application.

GENERAL REQUIREMENTS TO BE MET FOR OBTAINING A SPECIAL PERMIT:

- Encouraging the most appropriate use of land;
- Preventing overcrowding of land;
- Conserving the value of land and buildings;
- Lessening congestion of traffic;
- Preventing undue concentration of population;
- Providing adequate light and air;
- Reducing the hazards from fire and other danger;
- Assisting in the economical provision of transportation, water, sewerage, schools, parks, and other public facilities;
- Controlling the use of bodies of water, including watercourses;
- Reducing the probability of losses resulting from floods; and
- Reserving and increasing the amenities of the Town; AND

ZONING BYLAW SECTION 10.31

The Special Permit Granting Authority must have all the following conditions met:

- The specific site is an appropriate location for such a use, structure or condition;
- The use as developed will not adversely affect the neighborhood;
- There will be no nuisance or serious hazard to vehicles or pedestrians;
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
- The Special Permit Granting Authority shall not grant any Special Permit unless they make a
- Specific finding that the use is in harmony with the general purpose and intent of this Bylaw.

SPECIFIC REQUIREMENTS TO BE MET FOR OBTAINING A FRONTAGE EXCEPTION SPECIAL PERMIT

- The specific site is an appropriate location for access to the lot given the current and projected traffic on the roadway, and the site distance to adjacent driveways and roadways, and/or;
- Special environmental conditions exist such as wetlands and/or steep slopes such that access across the street frontage would require wetland filing or extreme cutting and/or filling of slopes or would be otherwise detrimental to the environment;
- The access will not adversely affect the neighborhood;
- There will be no nuisance or serious hazard to vehicles or pedestrians;
- The access is in harmony with the general purpose and intent of this Bylaw;

PLAN CONTENTS FOR FRONTAGE EXCEPTION SPECIAL PERMIT

Map on a scale of one (1) inch equals forty (40) feet prepared by a Registered Professional Engineer or Surveyor showing:

- The special environmental conditions referred to in Section 7.2.1 b of the Town of North Andover Zoning Bylaw are depicted on a topographical plan of 2' contour intervals; and
- Adequate public safety access.

NOTE: A Special Permit once granted by the Planning Board will lapse in two (2) years if not exercised unless the Planning Board grants an extension.

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REVISED 4/28/2011

Cost of Certified mail increased from $2.80 to $2.85

Cost of Certified mail + .44C Stamp increased from $3.24 to $3.29

THIS IS THE UPDATED PROCESS TO PREPARE CERTIFIED MAIL.

Any one filing an application with the Planning Department will be required to incur costs for certified mailing of legal notices to abutters.

1. Obtain a certified abutters list from the Assessor's office.

2. Create 3 sets of type written labels that contain the full name, full street number, full street address, full city and state, & zip code of each abutter.

3. Create one set of return address labels as follows:

Town of North Andover **1600 Osgood Street** Bldg. 20, Suite 2-36 Planning Department North Andover, MA 01845

4. You will be required to obtain a postal service certified mail green and white slip. You can get them from the post office.

5. Affix one abutter label to the green & white slip.

6. Affix one abutter label to the actual envelope.

7. Affix the Planning Department return address label to the upper left hand corner of the envelope.

8. **Cost of postage for certified mail is $0.44 + $2.85 =$3.29 per mailing envelope of which the applicant is responsible for, you will need to purchase the correct amount of postage stamps from the post office**.

9. Bring the envelopes along with the green & white slips and the proper postage to the Planning Department, they will insert the legal notice inside the envelope and then mail the envelopes out.

10. Bring the 3rd set of mailing labels to the Planning Department because these labels will be used to mail the decision to the abutters. Applicant is responsible for submitting a 0.44 cent stamp for each abutter to the Planning Department.

Please note: postage meter slips will not be accepted in lieu of stamps.

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